

FILED**OCT - 1 2020**SUSAN T. SOUFG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
OAKLAND OFFICE**JSC****CV-20 80173-MISC.**

Naomi Jane Gray (SBN 230171)
 SHADES OF GRAY LAW GROUP, P.C.
 100 Shoreline Highway, Suite 100B
 Mill Valley, California 94941
 Tel: (415) 746-9260 | Fax: (415) 968-4328
ngray@shadesofgray.law

Attorneys for Plaintiff
Recording Industry Association of America, Inc.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

RECORDING INDUSTRY ASSOCIATION
 OF AMERICA, INC.,

Plaintiff,

vs.

TONIC DOMAINS CORP.,

Defendant.

Case No.

**DECLARATION OF
 MARK McDEVITT
 IN SUPPORT OF ISSUANCE
 OF SUBPOENA PURSUANT TO
 17 U.S.C § 512(h)**

I, MARK McDEVITT, the undersigned, declare that:

1. I am a Senior Vice President, Online Content Protection for the Recording Industry Association of America, Inc. (RIAA). The RIAA is a trade association whose member companies create, manufacture or distribute sound recordings. The RIAA is authorized to act on its member companies' behalf on matters involving the infringement of their copyrighted video and sound recordings.

2. The RIAA is requesting the attached proposed subpoena that would order Tonic Domains Corp. to disclose the identities, including names, physical addresses, IP addresses, telephone numbers, e-mail addresses, payment information, account updates and account histories of the users operating the following websites:

<https://1337x.to/torrent/3690467/BLACKPINK-KILL-THIS-LOVE-2019-EP/>
Blackpink – Kill This Love

1 <https://1337x.to/torrent/2396535/Fifth-Harmony-Fifth-Harmony-2017/>
2 *Fifth Harmony – Fifth Harmony*

3 <https://1337x.to/torrent/1894021/Bruno-Mars-24K-Magic-2016/>
4 *Bruno Mars – 24K Magic*

5 <https://www.pluspremieres.to/2020/01/mac-miller-circles.html?i=73873087>
6 *Mac Miller – Circles*

7 [https://www.pluspremieres.to/2020/09/big-sean-wolves-feat-post-malone-](https://www.pluspremieres.to/2020/09/big-sean-wolves-feat-post-malone-single.html?i=31542531)
8 [single.html?i=31542531](https://www.pluspremieres.to/2020/09/big-sean-wolves-feat-post-malone-single.html?i=31542531)
9 *Big Sean – Wolves (feat. Post Malone)*

10 <https://www.pluspremieres.to/2011/09/gavin-degraw-sweeter.html?i=72592445>
11 *Gavin DeGraw – Sweeter*

12 <http://rlsbb.to/va-billboard-hot-100-singles-chart-12-09-2020/>
13 *Dua Lipa – Break My Heart*
14 *Drake – Laugh Now Cry Later*
15 *Miley Cyrus – Midnight Sky*

16 <https://thesource.to/forum/index.php?threads/selling-my-vault.68/>
17 *Childish Gambino – Warlords*

18 [https://thesource-](https://thesource-snippets.to/3/viper628352/Childish%20Gambino%20feat.%20Kid%20Cudi%20-%20Warlords.mp3)
19 [snippets.to/3/viper628352/Childish%20Gambino%20feat.%20Kid%20Cudi%20-](https://thesource-snippets.to/3/viper628352/Childish%20Gambino%20feat.%20Kid%20Cudi%20-%20Warlords.mp3)
20 [%20Warlords.mp3](https://thesource-snippets.to/3/viper628352/Childish%20Gambino%20feat.%20Kid%20Cudi%20-%20Warlords.mp3)
21 *Childish Gambino – Warlords*

22 <https://wi.to/92862d832b6933ee>
23 *Cardi B – WAP (feat. Megan Thee Stallion)*

24 <https://wi.to/2a830415a46e251b>
25 *Katy Perry – Smile*


26 <https://wi.to/60c4b49783223afd>
27 *Doja Cat - Freak*

28 3. The purpose for which this subpoena is sought is to obtain the identities of the individuals assigned to these websites who have reproduced and have offered for distribution our members' copyrighted sound recordings without their authorization. This information will only be used for the purposes of protecting the rights granted to our members, the sound recording copyright owner, under Title II of the Digital Millennium Copyright Act.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct to the best of my knowledge, information or belief.

3 Executed at Washington, District of Columbia, on September 22, 2020.

4 **BY FAX**

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Mark McDevitt
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EXHIBIT 1

TO DECLARATION OF MARK McDEVITT

DMCA NOTICES OF COPYRIGHT INFRINGEMENT

Natalia Ermakova

From: RIAA Antipiracy <Antipiracy@riaa.com>
Sent: Monday, September 28, 2020 1:07 PM
To: hostmaster@tonic.to
Subject: Unauthorized Sound Recordings

September 28, 2020

Pluspremieres.to

Dear Sir or Madam:

I am contacting you on behalf of the Recording Industry Association of America, Inc. (RIAA) and its member record companies. The RIAA is a trade association whose member companies create, manufacture and distribute approximately eighty-five (85) percent of all legitimate sound recordings sold in the United States. Under penalty of perjury, we submit that the RIAA is authorized to act on behalf of its member companies on matters involving the infringement of their sound recordings, including enforcing their copyrights and common law rights on the Internet, and including with respect to the copyrighted works identified below.

We have learned that your service is operating and/or hosting the below-referenced infringing web site(s) on its network. These site(s) are offering files containing sound recordings which are owned by one or more of our member companies and have not been authorized for this kind of use, including without limitation those referenced at the URL(s) below. We have a good faith belief that this activity is not authorized by the copyright owner, its agent, or the law. We assert that the information in this notification is accurate, based upon the data available to us.

We are asking for your immediate assistance in stopping this unauthorized activity. Specifically, we request that you remove the files from your system, including any mirrored or duplicate copies of those files, and/or that you disable all access to the infringing files and associated links, and that you inform the uploader/s and/or site operator(s), as applicable, of the illegality of his or her conduct.

We also ask that you consider the widespread and repeated infringing nature of the uploader(s) and/or site operator(s)' conduct (as applicable), and whether that conduct violates your terms of service and/or your company's repeat infringer policy.

This e-mail does not constitute a waiver of any right to recover damages incurred by virtue of any such unauthorized activities, and such rights as well as claims for other relief are expressly retained. In addition, our use of your service's required notice form, if applicable, is merely meant to facilitate removal of the infringing material listed below and is not meant to suggest or imply that your activities and services are within the scope of the DMCA safe harbor.

You may contact me at RIAA, 1000 F Street NW, 2nd Floor, Washington, D.C. 20004, Tel. (202) 775-0101, or by e-mail at antipiracy@riaa.com, to discuss this notice. We await your response.

Sincerely,
Alissa Hayward
Online Content Protection
RIAA

<https://www.pluspremieres.to/2020/01/mac-miller-circles.html?i=73873087> mac miller circles

<https://www.pluspremieres.to/2020/09/big-sean-wolves-feat-post-malone-single.html?i=31542531> big sean wolves
<https://www.pluspremieres.to/2011/09/gavin-degraw-sweeter.html?i=72592445> gavin degraw sweeter

Natalia Ermakova

From: RIAA Antipiracy <Antipiracy@riaa.com>
Sent: Monday, September 28, 2020 1:05 PM
To: hostmaster@tonic.to
Subject: Unauthorized Sound Recordings

September 28, 2020

Thesource.to
Hostmaster

Dear Sir or Madam:

I am contacting you on behalf of the Recording Industry Association of America, Inc. (RIAA) and its member record companies. The RIAA is a trade association whose member companies create, manufacture and distribute approximately eighty-five (85) percent of all legitimate sound recordings sold in the United States. Under penalty of perjury, we submit that the RIAA is authorized to act on behalf of its member companies on matters involving the infringement of their sound recordings, including enforcing their copyrights and common law rights on the Internet, and including with respect to the copyrighted works identified below.

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Sincerely,

Alissa Hayward
Online Content Protection
RIAA

<https://thesource.to/forum/index.php?threads/selling-my-vault.68/> childish gambino - warlords

Natalia Ermakova

From: RIAA Antipiracy <antipiracy@riaa.com>
Sent: Monday, September 28, 2020 1:00 PM
To: hostmaster@tonic.to
Subject: Unauthorized Sound Recordings (REF: E17-288461601323180)

September 28, 2020

Wi.to
Ddos-guard Ltd

E17-288461601323180

Dear Sir or Madam:

I am contacting you on behalf of the Recording Industry Association of America, Inc. (RIAA) and its member record companies. The RIAA is a trade association whose member companies create, manufacture and distribute approximately eighty-five (85) percent of all legitimate sound recordings sold in the United States. Under penalty of perjury, we submit that the RIAA is authorized to act on behalf of its member companies on matters involving the infringement of their sound recordings, including enforcing their copyrights and common law rights on the Internet, and including with respect to the copyrighted works identified below.

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Sincerely,
Alissa Hayward

Online Content Protection
RIAA

<https://wi.to/92862d832b6933ee> cardi b - wap (feat megan thee stallion)

<https://wi.to/60c4b49783223afd> doja cat - freak

<https://wi.to/2a830415a46e251b> katy perry - smile

Natalia Ermakova

From: RIAA Antipiracy <antipiracy@riaa.com>
Sent: Monday, September 28, 2020 1:00 PM
To: hostmaster@tonic.to
Subject: Unauthorized Sound Recordings (REF: REF00000001)

September 28, 2020

Thesource-snippets.to
Flokinet Ltd

REF00000001

Dear Sir or Madam:

I am contacting you on behalf of the Recording Industry Association of America, Inc. (RIAA) and its member record companies. The RIAA is a trade association whose member companies create, manufacture and distribute approximately eighty-five (85) percent of all legitimate sound recordings sold in the United States. Under penalty of perjury, we submit that the RIAA is authorized to act on behalf of its member companies on matters involving the infringement of their sound recordings, including enforcing their copyrights and common law rights on the Internet, and including with respect to the copyrighted works identified below.

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Sincerely,
Alissa Hayward

Online Content Protection
RIAA

<https://thesource-snippets.to/3/viper628352/Childish%20Gambino%20feat.%20Kid%20Cudi%20-%20Warlords.mp3>
childish gambino - warlords

Natalia Ermakova

From: RIAA Antipiracy <Antipiracy@riaa.com>
Sent: Monday, September 28, 2020 1:12 PM
To: hostmaster@tonic.to
Subject: Unauthorized Sound Recordings

September 28, 2020

1337x.to

Dear Sir or Madam:

I am contacting you on behalf of the Recording Industry Association of America, Inc. (RIAA) and its member record companies. The RIAA is a trade association whose member companies create, manufacture and distribute approximately eighty-five (85) percent of all legitimate sound recordings sold in the United States. Under penalty of perjury, we submit that the RIAA is authorized to act on behalf of its member companies on matters involving the infringement of their sound recordings, including enforcing their copyrights and common law rights on the Internet, and including with respect to the copyrighted works identified below.

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Sincerely,
Alissa Hayward
Online Content Protection
RIAA

<https://1337x.to/torrent/3690467/BLACKPINK-KILL-THIS-LOVE-2019-EP/> blackpink - kill this love

<https://1337x.to/torrent/1894021/Bruno-Mars-24K-Magic-2016/> bruno mars - 24k magic

<https://1337x.to/torrent/2396535/Fifth-Harmony-Fifth-Harmony-2017/> fifth harmony - fifth harmony

From: RIAA Antipiracy <Antipiracy@riaa.com>
Sent: Thursday, October 1, 2020 11:51 AM
To: hostmaster@tonic.to
Subject: Unauthorized Sound Recordings

October 1, 2020

Rlsbb.ru
Cloudflare
ColoUp

Dear Sir or Madam:

I am contacting you on behalf of the Recording Industry Association of America, Inc. (RIAA) and its member record companies. The RIAA is a trade association whose member companies create, manufacture and distribute approximately eighty-five (85) percent of all legitimate sound recordings sold in the United States. Under penalty of perjury, we submit that the RIAA is authorized to act on behalf of its member companies on matters involving the infringement of their sound recordings, including enforcing their copyrights and common law rights on the Internet, and including with respect to the copyrighted works identified below.

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Sincerely,
Alissa Hayward
Online Content Protection
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<http://rlsbb.ru/va-billboard-hot-100-singles-chart-19-09-2020/>

Dua Lipa – Break My Heart
Drake – Laugh Now Cry Later
Miley Cyrus – Midnight Sky